

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* FUMIN LU

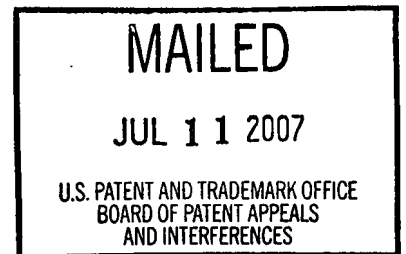
---

Appeal No. 2007-2668  
Application No. 09/778,454

---

ORDER REMANDING TO EXAMINER

---



On September 27, 2006, the Board of Patent Appeals and Interferences (Board) mailed a Remand to the Examiner requesting further explanation of issues raised by the record. On December 6, 2006, the Examiner mailed a response entitled "Supplemental Examiner's Answer" in response to the Panel Remand. The requirement for a Supplemental Examiner's Answer is approval by a Technology Center Director or designee. This requirement was not met.

To correct this problem, the Examiner will need to vacate the Supplemental Examiner's Answer mailed December 6, 2006, and file a new Supplemental Examiner's Answer with the Technology Center Director's approval.


Accordingly, it is

ORDERED that the application is Remanded to the Examiner to:

- (1) vacate the Examiner's Answer mailed December 6, 2006;

- (2) submit a new Examiner's Answer with the Technology Center  
Director's approval;
- (3) have the approved Examiner's Answer scanned into the record;
- (4) mail a copy of the approved Examiner's Answer to Appellant; and
- (5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



---

PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

PJN/cam

Malin Haley and Dimaggio, PA  
1936 Andrews Avenue  
Fort Lauderdale, FL 33316